

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LOWELL W. THOMPSON,

Plaintiff,

v.

Civil Action 2:17-cv-721

Judge George C. Smith

Magistrate Judge Chelsey M. Vascura

CHRISTOPHER J. BROWN, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff, a state inmate who is proceeding without counsel, has filed an Application to Proceed *In Forma Pauperis*. (ECF No. 1.) Although Plaintiff's application is not accompanied by the required certified trust fund statement from his prison's cashier, his Affidavit reflects that that he may have sufficient funds in a checking or savings account to cover the Court's \$400 filing fee. More specifically, his affidavit reflects that he has \$2000.00 in cash on hand or in a savings, checking, or other account. (Pl.'s Aff. At p. 3, ECF No. 1.) In addition, the Affidavit reflects that Plaintiff has no dependents and no monthly expenses. (*Id.* at 2-3.) The undersigned therefore **RECOMMENDS** that Plaintiff's Application to Proceed *In Forma Pauperis* be **DENIED** and that he be **GRANTED THIRTY DAYS** to either pay the Court's filing fee or submit the proper documentation.

For the reasons stated, it is **RECOMMENDED** that Plaintiff's Application to Proceed *In Forma Pauperis* be **DENIED** (ECF No. 1) and that he be **GRANTED THIRTY DAYS** to either pay the Court's \$400.00 filing fee or submit the proper documentation. Plaintiff is advised that if he opts to proceed with this litigation, which appears to fail to state viable claims, his action may

be subject to dismissal as frivolous under 28 U.S.C. § 1915(e)(2). Plaintiff is further advised that should the Court adopt this Report and Recommendation, his failure to timely comply will result in dismissal for failure to prosecute.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE